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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1479th meeting
Held at the Palais des Nations, Geneva, on Friday, 17 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of El Salvador (continued) (CEDAW/C/SLV/8-9; CEDAW/C/SLV/Q/8-9 and Add.1)

Articles 10 to 14 (continued)

1. *At the invitation of the Chair, the delegation of El Salvador took places at the Committee table.*

2. **Ms. Arocha Domínguez**, noting that health care was provided by a range of different institutions operating in a highly complex system, said that she wished to know how the Ministry of Health, as the governing body in that area, oversaw the mainstreaming of the gender perspective in the provision of health care. She asked how the various health-care institutions were able to coordinate their work when they operated in a decentralized manner and discharged different functions. She wished to know how the State party ensured the provision of high-quality, inclusive health care that did not stigmatize or discriminate against ethnic or sexual minorities or persons living with HIV/AIDS.

3. Noting that the teenage pregnancy rate remained extremely high despite the many measures taken to improve the delivery of sex education and the availability of contraception, she asked what obstacles prevented those measures from functioning effectively. Given that many teenage pregnancies were caused by older male relatives who usually went unpunished, she asked whether more could be done to tackle the culture of impunity and ensure that perpetrators of sexual violence against children were held to account. Lastly, she asked whether a moratorium on the enforcement of legal provisions criminalizing abortion could be implemented and whether better care, including mental health care, could be provided to women who were in prison for terminating a pregnancy.

4. **Ms. Fernández** (El Salvador) said that the Ministry of Education had adopted a gender equality policy aimed at promoting inclusive, non-sexist education, mainstreaming the gender perspective in education and preventing gender-based violence in schools. An implementation plan for the programme, for which funding had been allocated, had been drawn up for the period 2016-2020.

5. In response to the questions on employment, she said that although the gender pay gap persisted, the Act on Equality, Equity and Elimination of Discrimination against Women provided for the elimination of differences in pay between men and women performing the same functions. Domestic work could not be made subject to labour inspections, as it was not declared. However, the Government was in the process of bringing its laws on social security into line with the ILO Domestic Workers Convention, 2011 (No. 189). Lastly, the Ministry of Labour and Social Security had called for more random inspections of the maquila sector in order to improve working conditions and prevent gender-based discrimination.

6. **Mr. Robles Ticas** (El Salvador) said that the Ministry of Health provided health care to 80 per cent of the population, while other State institutions covered the remaining 20 per cent. The Ministry's governance role had been strengthened in recent weeks by the creation of the integrated health system, under which the Ministry was further empowered to establish protocols and regulations in the area of health. Outside the larger cities, the Ministry was the sole provider of health care, covering all of the country's 262 municipalities, in which community health teams had been established. Those teams made home visits to ensure that women and children were provided with adequate health care,

including reproductive health care, irrespective of whether or not they had health insurance. Under the current administration, everyone in El Salvador was entitled to receive free care.

7. All of the Ministry's programmes incorporated a gender perspective that extended across the whole of the integrated health system. High-risk pregnancy clinics and specialized community health teams attended to women and children across the country, improving access to family planning methods and monitoring the health of children and pregnant women. Mobile units ensured that health care was provided to women and children who were unable to travel to the clinics. Staff employed in the integrated health system received continuous training in sexual and reproductive health. The sharp rise in the percentage of institutional births had significantly reduced the maternal mortality rate.

8. Under the current administration, great emphasis was placed on providing appropriate sex education and tackling the problem of teenage pregnancy. The main causes of teenage pregnancy and the geographical areas where it was most prevalent had been mapped on the basis of a study carried out in conjunction with the United Nations Population Fund. Government data indicated that every year around 30 per cent of the births attended by Ministry of Health personnel involved teenage mothers. Given the scale of the problem, it was necessary to adopt a holistic approach that took legal, cultural, religious and other factors into account.

9. Following advocacy efforts by associations of women's health-care providers and bioethicists, by a group of lawmakers in the Legislative Assembly and by other institutions, good progress had been made towards decriminalizing abortion. The Ministry of Health was working closely with the Ministry of Justice and Public Security to address the mental and physical health needs of women who had been imprisoned for abortion-related offences.

10. **Ms. Arocha Domínguez** said that, in addition to strengthening the monitoring of the maquila sector, the Government should consider carrying out studies on the impact of that sector on women.

11. Noting that, according to the State party's written replies to the list of issues and questions, health-care personnel were receiving training on the need to maintain professional secrecy (CEDAW/C/SLV/Q/8-9/Add.1, para. 79), she asked the State party to confirm that doctors, who were not permitted to carry out abortions, generally agreed to treat women who had had abortions and maintained professional secrecy in relation to such cases. Furthermore, she asked the State party to confirm that emergency contraception had indeed been made available through the national health system.

12. **Ms. Acosta Vargas**, noting that more women than ever had access to higher education, said that she wished to know whether policies were in place to encourage more women to study subjects such as science and technology. She asked whether the law prohibiting the expulsion of pregnant students from educational establishments was always implemented in practice and whether the Ministry of Health was working with the Ministry of Education to tackle the alarmingly high rate of teenage pregnancy in El Salvador.

13. **Ms. Schulz** said that, according to information received by the Committee, half of the women prosecuted for obtaining an abortion had been reported by post-abortion care providers, and all of those cases had concerned care providers working in the public sector. Given that the Health Code stipulated that confidential information could be disclosed if required by law and the Criminal Code obliged care providers to report suspected crimes, while the Code of Criminal Procedure exempted health-care providers from the obligation to disclose information that was protected by standards of professional secrecy, she asked the State party to explain how health-care providers could interpret and respond to those conflicting requirements.

14. **Ms. Peña Mendoza** (El Salvador) said that only a small percentage of the thousands of clandestine abortions that took place every year were reported. The national association of gynaecologists supported efforts to decriminalize abortion, as, under the current law, doctors were obliged to report women who had had abortions and could be sent to prison if they failed to do so. The Ministry of Health was organizing a general medical forum at which doctors would discuss the proposal to decriminalize abortion. Teachers were also being trained in abortion-related matters. The Government was attempting to work towards changing the law, but the obstacles to be overcome were so great that change could not be expected to occur overnight.

15. The sex education provided at school and by parents represented only a fraction of what young people learned about the topic; the rest was gleaned from the media, which portrayed young people as sex objects. It was necessary to look into the regulation of the media, but it was difficult to go up against powerful media corporations, which claimed to be victims of restriction of freedom of the press and of expression. The delegation would therefore welcome a recommendation from the Committee concerning regulation of the media.

16. Despite major progress in the country's health-care system, there was unlikely to be a drastic reduction in the teenage pregnancy rate in the near future. Under the Criminal Code, any consensual or non-consensual sexual relations with a girl aged 14 years old or under constituted rape. Accordingly, most pregnancies among girls and adolescents in El Salvador were the result of rape. Legislation in relation to the maquila industry had been amended several years previously, and management committees now had to be set up to allow female workers and employers to review factory practices and regulations.

17. **Mr. Robles Ticas** (El Salvador) said that health-care personnel received ongoing training in relation to abortion. The Ministry of Health encouraged doctors dealing with abortions to invoke their obligation to observe professional secrecy. In 2016 alone, more than 7,500 abortions had been performed under proper medical conditions and with good outcomes. The four deaths that had occurred had been the result of ectopic pregnancies. Emergency contraceptives were not available, although family planning services were provided. A national forum would be held with the participation of all stakeholders to review the situation and propose necessary amendments to the Legislative Assembly.

18. **Ms. Argueta Martínez** (El Salvador) said that women and adolescent girls were encouraged to enter non-traditional scientific professions, but the media and advertisers continued to perpetuate stereotypes and represent women as sex objects. For the first time, a case against a media outlet for the commission of symbolic violence had successfully been brought to trial, and the final hearing would take place in March 2017. There was clearly a need for legislation to regulate the sector. The authorities were also working to change the conduct of the media with respect to domestic violence; often, instead of naming the perpetrators, the media focused on the victims. It was hoped that such issues could become matters of law, not just of morality. A gender equality programme had been introduced in schools, targeting students, teachers, the educational community in general and parents, to help eliminate discrimination and promote girls' participation in scientific professions. More than 10,000 civil servants had received training in the last three years with a view to changing the institutional culture on equality. The Salvadoran Institute for the Advancement of Women worked with the Ministry of Education to provide substantive training on equality and women's rights.

19. **Ms. Arocha Domínguez**, noting that there were numerous initiatives to provide poor women with credit and economic assistance, said that she wished to know more about the nature of the loans, what they were used for and whether the amounts provided were sufficient to ensure that the beneficiaries could achieve economic independence through sustainable income-generating activities. She would welcome clarification of the nature,

objectives and scope of the initiative by the Salvadoran Institute for the Advancement of Women and the Central Reserve Bank to establish a satellite account for unremunerated work in the home. She would be interested to hear about the results of the Women's Bank programme and whether there were plans to continue it. She enquired whether the Solidarity Fund for Microenterprise Families included a gender perspective, whether women were the main beneficiaries and whether female-headed households were also covered. She requested information on the results of the most recent time-use survey and on the use being made of those findings.

20. **Ms. Acosta Vargas** said that the Salvadoran Institute of Agrarian Reform was to be commended on its efforts to improve the economic and political participation of rural women. Although the figures on women's access to land were quite promising, it seemed that the quality of the land allocated to women was often not very high. She invited the delegation to comment on that point. She requested an update on the status of the national policy for rural, subsistence farming and indigenous women and the national plan on indigenous peoples. She would welcome information on any major foreign investments that had had an impact on rural communities, including displacement of families, and reports that the granting of mining concessions created difficulties in accessing water. Noting the country's vulnerability to natural disasters and climate change, she asked to what extent rural women were involved in government contingency plans to deal with those challenges. She would be interested to know what plans were in place to deal with internally displaced women, including those who had been deported from Mexico or the United States of America. She wished to know what proportion of the country's total prison population were women, and whether they received legal support in relation to their court cases.

21. **Ms. Alvanes Amaya** (El Salvador) said that the empowerment of rural women was a priority for the Government. More than 5,400 financial transactions had been conducted for the benefit of rural women through the Women's Bank programme, which had been an unqualified success. Between 2013 and 2015, more than 17,300 women and 16,200 men had received credits through the National Development Bank of El Salvador to support activities in a range of sectors. The National Development Bank gave priority to rural women in granting loans, in amounts ranging from US$ 1,500 to US$ 25,000, and the Women's Bank provided loans of US$ 300 to US$ 4,000. The lending conditions were very favourable, with long repayment terms and a two-year grace period. Rural women had played a central role in the creation of the national policy for rural, subsistence farming and indigenous women, which covered issues such as access to land and credit, technical assistance, climate change and food security and would be monitored by the Food and Agriculture Organization of the United Nations. There were more than 40 rural women representatives at the national level. Indigenous women had also been consulted on the national plan on indigenous peoples, which covered access to land, education and health, and ancestral practices.

22. In 2016, the Salvadoran Institute of Agrarian Reform had granted 3,421 land titles to rural women, amounting to 46 per cent of the total. The issue of land quality had been raised by the women's civic participation committees, and efforts were being made to ensure parity in the quality of land allocated, for example in terms of the accessibility of roads and basic services. Importantly, all the land titles being granted were in the form of family property, regardless of whether the head of the household was a man or a woman. Under the Constitution, women and men had equal rights to land, and priority was being given to realizing that right. The national plan on indigenous peoples and the national policy for rural, subsistence farming and indigenous women were still under discussion but would be presented for approval soon.

23. **Ms. Argueta Martínez** (El Salvador) said that three time-use surveys had been conducted; the findings were used to recognize the value of women's unremunerated work

in the home in terms of its contribution to gross domestic product, a contribution that was not normally measured, and to develop the satellite account. It was hoped that the political recognition of that contribution would be reflected in public care policies.

24. **Ms. Fernández** (El Salvador) said that the results of the violence and time-use surveys to be conducted in 2017 would be shared with the Committee when available.

25. **Ms. Peña Mendoza** (El Salvador) said that the last major population displacement had been caused by a hydroelectric dam project in 1980. There were no longer any investments of that kind. Attempts to initiate mining activity had been rejected by the Government; in fact, El Salvador had won an international dispute against the Canadian company Pacific Rim, which had sought compensation because it had not been allowed to operate in the country. The possibility of adopting legislation prohibiting mining in the country was under discussion. Regarding female prisoners, while the vast majority were not serving time for abortion, those who were often had long sentences, as their convictions were for aggravated homicide.

26. **Ms. Fernández** (El Salvador) said that the State party had been working for several years on its disaster risk reduction plans and, under the leadership of the Vulnerability Affairs Secretariat, protocols had been developed to take into account the specific needs of girls, women, older women and women with disabilities. The Salvadoran Institute for the Advancement of Women ensured that women and girls were not at risk of violence in emergency shelters and that the emergency kits provided were gender-sensitive.

27. **Ms. Argueta Martínez** (El Salvador) said that there was a special law on water as a human right. Female environmental and water activists were very engaged and women played an important role in water management at the community level.

28. **Ms. Haidar** said that she would be interested to hear more about the role of women in disaster risk reduction at the national and local levels.

29. **Ms. Fernández** (El Salvador) said that, at the municipal level, disaster risk reduction efforts were carried out in cooperation with committees made up of both women and men. Considerable inter-institutional efforts had been made in that area in recent years, and shelters and response and care systems had been entirely decentralized. A gender perspective had been mainstreamed into the protocols applied at the national, departmental and municipal levels.

30. **Ms. Argueta Martínez** (El Salvador) said that under the National Plan for Equality and Equity for Salvadoran Women, adopted in 2016, the gender perspective had been incorporated into all data collection, ensuring that women and girls, but also older women and women with disabilities, were taken into consideration. The Salvadoran Institute for the Advancement of Women participated actively in disaster risk reduction efforts, as well as the response in the event of an actual disaster. The disaster protection system provided specifically for differentiated support for the lesbian, gay, bisexual, transgender and intersex community.

31. **Mr. Castaneda Magaña** (El Salvador) said that the Ministry of the Interior had expanded its competence to also cover "territorial development"; civil protection thus now came under its mandate.

Articles 15 and 16

32. **Ms. Hayashi** said that she wished to know whether, under the Family Code, the division of marital property upon divorce reflected the recognition of the value of unpaid household work done by women. While she supported the no-fault divorce regimes available in the State party, she wondered whether they adequately protected the rights of women and their dependants. She wondered what kind of dispute settlement mechanisms

were available to women in relation to the division of marital property or the payment of alimony, and what mechanisms were available in the event of non-payment of child maintenance obligations, other than the penalties provided for in article 201 of the Criminal Code. She would welcome an update on any follow-up given to the 2010 recommendation of the Committee on the Rights of the Child to continue promoting responsible motherhood and fatherhood, including by strengthening the mechanisms to verify the provision of maintenance allowances. She asked whether the proposed amendment to increase the minimum age of marriage to 18 had already been enacted without any exceptions. She wished to know whether the State party had conducted any studies to assess the impact of inter-country adoption, especially on mothers, and whether there had been any developments, such as the establishment of a supervisory institution or judicial intervention, to protect the rights of mothers and prevent trafficking of girls.

33. **Ms. Fernández** (El Salvador) said that the proposed reform of the Family Code was currently before the Legislative Assembly and, it was hoped, would be adopted in 2017. Following a legislative amendment, widows were no longer required to use the words "widow of" before their surname. The Counsel General's Office was making major efforts to follow up on all cases of non-payment of maintenance allowances. The law provided for the protection of women's rights following divorce, including such measures as maintenance payments, compensatory payments, protection of the family home, and special protection to guarantee a life free of violence. The Family Code also regulated de facto unions, in which the parties had rights similar to those of married couples.

34. **Ms. Argueta Martínez** (El Salvador) said that lawsuits had been filed against more than 10,700 persons, 77 per cent of whom were men, for non-payment of maintenance allowances. Legislation on domestic violence covered property-related and economic violence. An international mechanism had been set up to facilitate the collection of maintenance payments from fathers living outside the country, particularly in the United States of America. A degree of progress had been made, and some 20 per cent of fathers living outside El Salvador were making their maintenance payments.

35. **Ms. Alvanes Amaya** (El Salvador) said that significant progress had been made in relation to the payment of maintenance following the amendment of the Criminal Code in 2015. Prior to that, non-payment of maintenance had been punishable by weekend arrest for 24 to 48 weekends, but the penalty had now been increased to a fine of between 90 and 150 days' pay; in the case of deliberate fraud, the penalty was between 1 and 3 years' imprisonment.

36. **Mr. Castaneda Magaña** (El Salvador) said that, according to the latest figures, there were 3,740 female prisoners out of a total prison population of 33,508. He appreciated the opportunity to share his country's achievements and challenges, and thanked the Committee for its observations and recommendations.

37. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 4.30 p.m.